

Exhibit 1

Joseph Declaration

Combined Reply in Support of Plaintiff's Motion for a Preliminary Injunction and
Opposition to Defendants' Motion to Dismiss

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ASSOCIATION OF AMERICAN)	
PHYSICIANS & SURGEONS,)	
Plaintiff,)	
)	
v.)	
)	No. 1:20-cv-00493-RJJ-SJB
FOOD & DRUG ADMINISTRATION; DR.)	
STEPHEN M. HAHN, Commissioner of Food)	Hon. Robert J. Jonker
& Drugs, in his official capacity;)	
BIOMEDICAL ADVANCED RESEARCH &)	Mag. Sally J. Berens
DEVELOPMENT AUTHORITY; GARY L.)	
DISBROW, Ph.D., Acting Director,)	
Biomedical Advanced Research &)	
Development Authority, in his official)	
capacity; DEPARTMENT OF HEALTH &)	
HUMAN SERVICES; and ALEX AZAR,)	
Secretary of Health & Human Services, in his)	
official capacity,)	
Defendants.)	

DECLARATION BY LAWRENCE J. JOSEPH

I, Lawrence J. Joseph, hereby declare that:

1. I am over the age of 21 years and competent to make this declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or a crime of dishonesty.
2. I am counsel for plaintiff Association of American Physicians & Surgeons (AAPS) in this action.
3. In that capacity, I visited the website of the Michigan Department of

Licensing and Regulatory Affairs on July 20, 2020 at the following address: https://www.michigan.gov/documents/lara/Reminder_of_Appropriate_Prescribing_and_Dispensing_3-24-2020_684869_7.pdf and downloaded the “Reminder” to Licensed Prescribers & Dispensers attached hereto as Exhibit A.

4. In that capacity, I visited the website of the Michigan Department of Licensing and Regulatory Affairs on July 20, 2020 at the following address: <https://www.michigan.gov/lara/0,4601,7-154-11472-523663--,00.html> and printed the guidance entitled “FDA Guidance for Emergency Use of Chloroquine Phosphate and Hydroxychloroquine Sulfate” to portable document format, a true and correct copy of which is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 20th day of July 2020.

/s/ Lawrence . Joseph

Lawrence . Joseph

Exhibit A



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

March 24, 2020

TO: Licensed Prescribers & Dispensers

RE: Reminder of Appropriate Prescribing and Dispensing

Dear Licensed Prescribers and Dispensers:

The Department of Licensing and Regulatory Affairs has received multiple allegations of Michigan physicians inappropriately prescribing hydroxychloroquine or chloroquine to themselves, family, friends, and/or coworkers without a legitimate medical purpose.

Prescribing hydroxychloroquine or chloroquine without further proof of efficacy for treating COVID-19 or with the intent to stockpile the drug may create a shortage for patients with lupus, rheumatoid arthritis, or other ailments for which chloroquine and hydroxychloroquine are proven treatments. Reports of this conduct will be evaluated and may be further investigated for administrative action. Prescribing any kind of prescription must also be associated with medical documentation showing proof of the medical necessity and medical condition for which the patient is being treated. Again, these are drugs that have not been proven scientifically or medically to treat COVID-19.

Michigan pharmacists may see an increased volume of prescriptions for hydroxychloroquine and chloroquine and should take special care to evaluate the prescriptions' legitimacy. Pursuant to Michigan Administrative Code, R 338.490(2), a pharmacist shall not fill a prescription if the pharmacist believes the prescription will be used for other than legitimate medical purposes or if the prescription could cause harm to a patient.

It is also important to be mindful that licensed health professionals are required to report inappropriate prescribing practices. LARA appreciates all licensed health professionals for their service and cooperation in assuring compliance in acting responsibly while continuing to provide the best possible care for Michigan's citizens during this unprecedented and very challenging time.

To stay up to date on the latest information regarding the COVID-19 pandemic please go to www.michigan.gov/Coronavirus and the CDC site at www.CDC.gov.

Sincerely,

Deb Gagliardi, Director
Bureau of Professional Licensing

Forrest Pasanski, Director
Enforcement Division

Exhibit B

DEPARTMENT OF

LICENSING AND REGULATORY AFFAIRS

LARA / LARA NEWS RELEASES

FDA Guidance for Emergency Use of Chloroquine Phosphate and Hydroxychloroquine Sulfate

Dear Licensed Prescribers and Dispensers:

This communication is being provided to inform you of a recent guidance that has been issued by the US Food & Drug Administration (FDA) for emergency use of chloroquine phosphate and hydroxychloroquine sulfate, as described in the Scope of Authorization section of the FDA **letter** (Section II) for the treatment of COVID-19.

LARA appreciates the essential role of our prescribers and dispensers and recognizes their ability to make proper clinical decisions including following responsible prescribing and dispensing practices. LARA thanks all of the dedicated licensed health professionals and others who continue to provide the best possible care for Michigan's citizens during this state of emergency.

Debra Gagliardi

Director, Bureau of Professional Licensing



Administrative Rules
LARA FOIA Process

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